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**OFFICE OF PETITIONS**

WESTMAN CHAMPLIN (MICROSOFT CORPORATION)  
SUITE 1400  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS MN 55402-3244

In re Application of :  
Rene Bitsch :  
Application No. 10/696,933 : ON PETITION  
Filed: October 30, 2003 :  
Attorney Docket No. M61.12-0532 :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 16, 2009.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed August 6, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 7, 2007. The Office mailed a Notice of Abandonment on March 27, 2008. Applicant filed a petition on April 25, 2008, stating that he never received the August 6, 2007 Office action. However, the petition was dismissed in a decision mailed on December 4, 2008. The petition was dismissed because petitioner did not submit a copy of a master docket report showing all of his replies docketed for a due date of November 6, 2007. Rather, petitioner only submitted a printout of the file history for the instant application. Applicant filed a renewed petition on December 16, 2008, which was dismissed in a decision mailed on February 17, 2009. This time, the petition was dismissed because petitioner only submitted a copy of an incoming mail log.

To establish non-receipt of an Office action, a petitioner:

must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.<sup>1</sup>

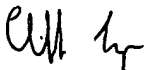
In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

With the instant renewed petition, petitioner has submitted a copy of a master docket report, showing all of the firm's replies docketed for a due date of November 6, 2007. An entry for the instant application is absent, supporting the conclusion that the August 6, 2007 Office action was not received.

The application is being forwarded to Group Art Unit 2162 for re-mailing of the August 16, 2007 Office action, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> MPEP 711.03(c).